

REMARKS

This Amendment supplements the Amendment filed in this application on October 1, 2007. The October 1, 2007 Amendment was a complete response to the June 29, 2007 Final Rejection and was entered upon the filing of an RCE on November 29, 2007.

In this paper, Applicant is amending claims 12, 15, 17, 18 and 21. Support for the amendments to the claims can be found, for example, in Figs. 3(a) - (h) as filed.

SECTION 112, 2ND PARAGRAPH, REJECTION

Claims 13, 19, 20 and 22 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant traverses this rejection insofar as it might be deemed applicable to claim 20 as now presented.

In the October 1, 2007 Amendment, claims 13, 19 and 22 were canceled, and claim 20 was amended to depend from any one of claims 12 and 15-18. Claims 12 and 15-18 were not subjected to the rejection based on 35 USC § 112, second paragraph. Applicant submits that claim 20, as presented herein, would not be subject to such a rejection.

PRIOR ART REJECTION I

Claims 12-18 and 21 were rejected under 35 USC § 103(a) as being unpatentable over JP 55-110608 A (JP '608) in view of SU 408333 (SU '333), US 2002/0036039 (Shimura), US Re. 30518 (French) and US 5980668 (Slingluff). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 12, 15-18 and 21 as presented herein.

Without acquiescing in the rejection, in this paper, Applicant has amended claims 12, 15, 17, 18 and 21 to more clearly recite the invention and better define departures from the prior art applied by the Examiner.

As amended herein, claim 12 specifies that the first step of the multi-step hole has a contour including one of a polygon formed by straight lines and a loop-shape formed by curved lines and that the second step has a contour including the other of the polygon and the loop-shape. The method recited in amended claim 21 also calls for these contours of the first and second steps.

In the October 1, 2007 Amendment, Applicant presented a critique of the disclosures in JP '608, SU '333, Shimura, French and Slingluff along with reasons why the combination of the disclosures in those documents proposed by the Examiner would not have been obvious and would not have yielded the invention claimed by Applicant. Applicant reiterates the observations and arguments made in the October 1, 2007 Amendment vis-à-vis the requirements of claims 12, 15-18 and 21.

In an Advisory Action dated October 18, 2007, the Examiner took issue with the observations and arguments made by Applicant in the October 1, 2007 Amendment.

Applicant does not dispute the Examiner's characterization of the stepped hole 17 in the JP '608 tire tread as having a lower step that is smaller than the upper step.

The Examiner contends Applicant has mischaracterized the tread wear indicators disclosed in SU '333. In particular, the Examiner contends that SU '333 discloses two embodiments of wear indicators: a first embodiment, shown in Figs. 1 and 2 is a projection having the shape of a stepped pyramid; a second embodiment is a hole having the shape of a stepped pyramid. The Examiner points to the Abstract in SU '333 as supporting the characterization of the second embodiment. The Examiner also notes the different shapes of the steps in the pyramidal projection shown in Fig. 6 of SU '333.

Applicant submits that a fair reading of the disclosure in SU '333 does not support the Examiner's contention that it discloses an embodiment of a wear indicator formed as a hole shaped as a stepped pyramid. In SU '333, all of the illustrated embodiments are projections, and the only "opening" forming part of a wear indicator is illustrated in Fig. 3 as an opening accommodating a projection shaped as a circular stepped pyramid.

As to Shimura, the Examiner contends that this document teaches wear indicators in the form of holes shaped as a square, rectangle, circle or ellipse. Again, Applicant observes that Shimura does not offer a disclosure of a *stepped* wear indicator.

The Examiner takes issue with Applicant's argument that none of the walls forming the slots in the French tread can be fairly characterized as having a contour with curved lines and that there is no feature of the slots that can be fairly characterized as first and second steps. In

particular the Examiner cites the letter P as being formed by straight lines and curved lines and cites the rods 9 as forming a stepped configuration.

Applicant submits that the letter P illustrated in Fig. 4 of French is formed by straight lines only and that the only indication of tread wear occurs with the exposure of letters forming the words STOP. There is no "stepped" indication of tread wear that occurs earlier.

The Examiner contends that the disclosures in SU '333, Shimura and French provide ample suggestion to use different shapes at different depths of the JP '608 wear indicator and that one of ordinary skill in the art would therefore have found it obvious to so modify the JP '608 wear indicator.

For reasons presented above, and in the October 1, 2007 Amendment, Applicant submits that the disclosures in the prior art references applied by the Examiner do not make obvious the inventions recited in amended claims 12 and 21. In particular, these references do not make obvious the claimed tire and method in which (1) a first step of a multi-step indication hole has a contour including one of a polygon formed by straight lines and a loop-shape formed by curved lines and (2) a second step of the multi-step indication hole has a contour including the other of the polygon and the loop-shape. As Applicant has pointed out the differing shapes of the steps, as claimed, facilitate easy recognition of the progress of tire wear in a way that is not fairly taught or suggested in the prior art.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '608, SU '333, Shimura, French and Slingluff can properly serve as a basis for rejecting any of claims 12, 15-18 and 21, as presented herein, under 35 USC § 103(a).

PRIOR ART REJECTION II

Claims 19, 20 and 22 were rejected under 35 USC § 103(a) as being unpatentable over JP '608 in view of SU '333, Shimura, French and Slingluff and further in view of JP 59-25684 (JP '684). Applicant traverses this rejection insofar as it might be deemed applicable to claim 20 as presented herein.

The critique of the disclosures in JP '608, SU '333, Shimura, French and Slingluff presented in the October 1, 2007 Amendment, and in the discussion PRIOR ART REJECTION I

above, are applicable to this rejection, since claim 20 includes all of the limitations of amended claim 12.

Applicant also reiterates the observations and arguments made in the October 1, 2007 Amendment relating to the disclosure in JP '684 and the Examiner's proposal to combine this disclosure with the disclosures in JP '608, SU '333, Shimura, French and Slingluff.

Suffice it to say, Applicant submits that no reasonable combination of the disclosures in JP '608, SU '333, Shimura, French, Slingluff and JP '684 can properly serve as a basis for rejecting claim 20, as now presented, under 35 USC § 103(a).

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

Application No. 10/532,424
Amendment dated January 16, 2008
After Final Office Action of June 29, 2007

Docket No.: 0080-0234PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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